IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16711 of 2006

DATED: 11.8.2006

Between:
Swarangi Tulasidas and others petitioners

And

The Innespeta Cooperative Urban Bank Limited
No B.3015, Rajahmundry,
East Godavari District
Rep by its President and 2 others
Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 16711 of 2006

ORAL ORDER:

The present writ petition is filed questioning the suspension order dated 29.7.2006 passed by the first respondent.

The petitioners herein are employed in the first respondent cooperative society. On a complaint made by the Divisional Cooperative Officer, Rajahmundry alleging misappropriation/mis-utilization of funds of the society, the police arrested the petitioners herein and produced before the concerned Magistrate and they were ordered for judicial remand. Based on the said charges of misappropriation of funds and in view of the fact that they were kept under custody for more than 48 hours, vide impugned proceedings dated 29.7.2006, they were kept under suspension, pending further enquiry. The petitioners herein contend that the cases registered against them were closed and that they have made representations dated 29.7.2006 and 4.8.2006 to the respondent to raise the suspension order and to continue them in their respective posts. Since no action is taken on the said representations, the present writ petition.

Learned counsel for petitioners submitted that the cases against the petitioners were closed and the entire alleged misappropriated amount was repaid and the charges leveled against the petitioners were dropped. He further submitted that the representations submitted by the petitioners on 29.7.2006 and 4.8.2006 are pending with the first

respondent and no action is taken thereon.

Suspension pending enquiry cannot be termed as a punishment. The impugned order clearly indicates prima facie case against the petitioners for placing them under suspension. The petitioners can raise all the grounds raised in the present writ petition in their explanation. On submission of the explanation, it is for the authorities to take a decision with regard to dropping the charges or to continue the petitioners on suspension and to enquire into the allegations made against them. This Court, cannot interfere with the same. The writ petition is devoid of any merit and deserves no consideration.

Accordingly the writ petition is dismissed. However, the respondents 1 and 2 are at liberty to pass appropriate orders on the representations of the petitioners dated 29.7.2006 and 4.8.2006, if any pending. No costs.

_____

N.V.RAMANA,J

DATE: 11.8.2006

TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16711 of 2006

DATED: 11.8.2006